

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Andrew Vargason and D'Lila Vargason,

Civil No. 13-518 (DWF/LIB)

Plaintiffs,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Department of Human Services,
Child Protective Services, and
Sue Provo,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated March 7, 2013. No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Leo I. Brisbois's March 7, 2013 Report and Recommendation (Doc. No. [3]) is **ADOPTED**.

2. Plaintiff's application to proceed *in forma pauperis* (Doc. No. [2]) is **DENIED**.

3. This action is **DISMISSED** without prejudice pursuant to 28 U.S.C.

§ 1915(e)(2)(B)(ii).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 1, 2013

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge